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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,541	03/26/2004	Wataru Tanaka	000409-108	6137
21839 7590 05/03/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404			EXAMINER	
			FLEMING, FAYE M	
ALEXANDRIA, VA 22313-1404			ART UNIT	PAPER NUMBER
			3616	
			MAIL DATE	DELIVERY MODE
•			05/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/809,541	TANAKA ET AL.			
Office Action Summary	Examiner	Art Unit			
	Faye M. Fleming	3616			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
1) Responsive to communication(s) filed on the ar	mendment filed November 13, 20	<u>006</u> .			
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<del>-</del>	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4)⊠ Claim(s) <u>1-25</u> is/are pending in the application.					
4a) Of the above claim(s) <u>23-25</u> is/are withdrawn from consideration.					
5)⊠ Claim(s) <u>10-12,21 and 22</u> is/are allowed.					
6)⊠ Claim(s) <u>1,6,13,14,16 and 17</u> is/are rejected.					
7) Claim(s) <u>2-5,7-9,15 and 18-20</u> is/are objected to					
8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers					
9)☐ The specification is objected to by the Examiner					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:					
1.⊠ Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)					
1) Notice of References Cited (PTO-892)	PTO-413)				
<ul> <li>2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO/SB/08)</li> </ul>	Paper No(s)/Mail Dai 5) Notice of Informal Pa				
Paper No(s)/Mail Date	6)				

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### **DETAILED ACTION**

#### Election/Restrictions

1. Applicant's election with traverse of Invention I in the reply filed on November 13, 2006 is acknowledged. The traversal is on the ground(s) that all of the claims of this application can be examined at the same time without serious burden. This is not found persuasive because Invention I and Invention II are distinct from one another.

The requirement is still deemed proper and is therefore made FINAL.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1, 6, 13, 14, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Inamura, et al.(JP10229635A).

Inamura teaches a motor condition detection apparatus for detecting a locking condition of the motor comprising first voltage detection means; second voltage detection means; voltage difference calculation means for calculating voltage difference between the motor driving voltage and the voltage of the control device; and first motor locking determination means for determining the locking condition of the motor based on the voltage difference during driving of the motor and the first motor locking determination means determining that the motor is locked when the voltage difference is higher than a predetermined voltage (see abstract). The first motor locking determination means determines that the motor is locked when the condition in which the voltage difference is higher than the predetermined voltage continues for a

predetermined period. Inamura teaches a motor driving stopping means; a regenerative voltage detection means; and motor locking determination means for determining the locking condition of the motor based on the regenerative voltage of the motor. The motor driving stopping means stops driving the motor when the voltage difference is higher than a predetermined voltage. With regards to claims 16 and 17, Inamura inherently discloses the method by use of described structure.

## Allowable Subject Matter

- 4. Claims 10-12 and 21-22 are allowed.
- 5. Claims 2-5, 7-9,15 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN UŞA OR CANADA) or 571-272-1000.

aye/M. Fleming

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